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EXAMINER

BAYARD, DJENANE M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/027,561	Applicant(s) MORITA, TORU	
	Examiner DJENANE M. BAYARD	Art Unit 2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-13 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-13 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to amendment filed on 9/02/08 in which claims 1-6, 9-13 and 21 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-6, 9-13 and 21 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "game settings/state engine 1312 is part of game engine 1302, which itself is part of an "option simulation engine 1300" as shown in FIG 13 and described at column 11, lines 1-55. For instance, "Fig 13 is a block diagram illustrating an option simulation engine 1300. Option simulation engine 1300 is comprised of a game engine 1302, an option market simulation 1304, and a portfolio manager engine 1306."" are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 9-12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,370394 to Anttila in view of U.S. Application Publication No. 2003/0060247 to Goldberg et al.

a. As per claims 1 and 21, Anttila teaches communication means, including a subscriber telephone network, for establishing communication with a multi-function mobile telephone (See col. 6, lines 65-67, col. 7, lines 1-3 and figure 2, ... *in the mobile communication network conventional mobile station 14 over mobile communication center 100, base station controller 104 and base station 105*); a content providing apparatus for providing content terminal (See col. 6, lines 25-26), and a relay apparatus connected to the multi-function mobile telephone, through the subscriber telephone network (See col. 6, lines 58-67), the relay apparatus being operable to convert an intrinsic identifier of the multi-function mobile telephone into an ID code unique to the multi-function mobile telephone, wherein communication between the multi-function mobile telephone and the content providing apparatus is performed through the relay apparatus based on the ID code (See col. 4, lines 28-33, *Routing is facilitated by a database arranged in connection with the network server, in which database it is stored the identification number (e.g. a IP-address) defined for the telephone number for each mobile station..., a reference table adapted to include the telephone number corresponding to each mobile station and the internet protocol*

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address corresponding to each mobile station and to convert the phone number into the corresponding internet protocol address), the relay apparatus comprising a unit that notifies the content providing apparatus of the ID code of the multi-function mobile telephone (See col. 7, lines 4-21). Furthermore, Anttila teaches wherein the transfer of information from the network server to the interconnecting network is performed typically over a packet switched data transfer connection based upon a IP address (See col. 8, lines 23-25, *the content server does not have any knowledge of the telephone number and all data transfer are done through the IP address*). Wherein the system further comprises an information terminal connected to the subscriber telephone network using the multi-function mobile telephone (See col. 6, lines 25-40, *terminal device*), and wherein the content providing apparatus includes: a unit operable to provide the content to the information terminal; and a unit operable to identify the information terminal to which the content is provided based on the ID code notified by the relay apparatus (See col. 10, lines 26-49 and col. 12, lines 19-49). However, Anttila fails to teach wherein the memory of the content providing apparatus stores the progress of current game playing at the information terminal identified based on the ID code and storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus.

Goldberg et al teaches wherein the memory of the content providing apparatus stores the progress of current game playing at the information terminal identified based on the ID code and storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus (See paragraph [0020], [0060] and [0102]).

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Goldberg et al in the claimed invention of Anttila in order for the player to interact with the game at their leisure (See paragraph [0020]).

b. As per claim 9, Anttila teaches a system for providing a content comprising: a server connected to a computer network for providing the content (See col. 6, lines 25-26); a terminal connected to a telephone communication network and having a telephone number unique thereto; and a relay apparatus for connecting the telephone communication network to the computer network (See col. 6, lines 58-67); wherein the relay apparatus comprises: a unit for relaying communications between the terminal and the server, a unit for connecting the terminal to the computer network in response to a dial-up connection request from the terminal, a unit for detecting the telephone number of the terminal, a unit for converting the telephone number into a unique code, and a unit for notifying the server of the unique code; and the server comprises: a unit for providing the content to the terminal a memory; and a unit for identifying the terminal to which the content is provided based on the unique code (See col. 4, lines 28-33, *Routing is facilitated by a database arranged in connection with the network server, in which database it is stored the identification number (e.g. a IP-address) defined for the telephone number for each mobile station..., a reference table adapted to include the telephone number corresponding to each mobile station and the internet protocol address corresponding to each mobile station and to convert the phone number into the corresponding internet protocol address*); However, Anttila et al fails to teach wherein the server memory is for storing progress of current game

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playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the server memory, and the server memory stores the progress of current game playing at the terminal identified based on the unique code.

Goldberg et al teaches wherein the server memory is for storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the server memory, and the server memory stores the progress of current game playing at the terminal identified based on the unique code (See paragraph [0020], [0060] and [0102]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Goldberg et al in the claimed invention of Anttila in order for the player to interact with the game at their leisure (See paragraph [0020]).

c. As per claim 2, Anttila in view of Goldberg et al teaches wherein the information terminal has a display device larger in size than a display device of the multi-function mobile telephone (See col. 9, lines 37-42).

d. As per claim 3, Anttila in view of Goldberg et al teaches wherein the communication is performed through the Internet and the relay apparatus is a gateway arranged to the subscriber telephone network to connect the subscriber telephone network to the Internet (See col. 6, lines 57-58).

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e. As per claim 10, Anttila in view of Goldberg et al teaches the claimed invention as described above. Furthermore, Anttila teaches wherein the computer network is the Internet (See col. 8, lines 20-32).

f. As per claim 11, Anttila in view of Goldberg et al teaches the claimed invention as described above. Furthermore, Anttila teaches wherein the terminal comprises a mobile telephone connected to the telephone communication network (See col. 6, lines 50-65 and figure 1).

g. As per claim 12, Anttila in view of Goldberg et al teaches the claimed invention as described above. Furthermore, Anttila teaches wherein the unit for detecting the telephone number of the terminal detects the telephone number of the terminal when the terminal places the dial-up connection request (See col. 8).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,370,394 to Anttila in view of U.S. Application Publication No. 2003/0060247 to Goldberg et al as applied to claim 1 above, and further in view of U.S. Patent Application 2005/0021863 to Jungck.

a. As per claim 4, Anttila in view of Goldberg et al teaches the claimed invention as described above. However, Anttila in view of Goldberg et al failed to teach wherein the relay

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apparatus is a DNS server owned by an Internet service provider, and is connected to the multi-function mobile telephone through the subscriber telephone network.

Jungck teaches an apparatus and method for enhancing the infrastructure of a network such as the Internet. Furthermore, Jungck teaches wherein the relay apparatus is a DNS server owned by an Internet service provider, and is connected to the multi-function mobile telephone through the subscriber telephone network (See pages 4 and 9, paragraph [0039 and 0065]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the relay apparatus is an DNS server owned by an Internet service provider, and is connected to the multi-function mobile telephone through the subscriber telephone network as taught by Jungck in the claimed invention of Anttila in view of Goldberg et al in order to handle requests to translate the domain names services by that service provider or forward those requests to other DNS servers coupled with Internet for translation (See page 5, paragraph [0042]).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,370,394 to Anttila in view of U.S. Application Publication No. 2003/0060247 to Goldberg et al as applied to claim 1 above, and further in view of U.S. Patent Application 2005/0193209 to Saunders et al.

a. As per claim 5, Anttila in view of Goldberg et al teaches the claimed invention as described above. However, Anttila in view of Goldberg et al fails to teach wherein the content

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providing apparatus is an Internet server which provides one or both a program and/or data for video gaming.

Saunders et al teaches wherein the content providing apparatus is an Internet server which provides one or both a program and/or data for video gaming (See page 2, paragraph [0021] and page 4, paragraph [0057]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Saunders et al in the claimed invention of Anttila in view of Goldberg et al in order to provide to remotely access a host gaming device (See page 2, paragraph [0021]).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,370,394 to Anttila in view of U.S. Application Publication No. 2003/0060247 to Goldberg et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,148,253 to Taguchi et al.

a. As per claim 6, Anttila in view of Goldberg et al teaches the claimed invention was described above. However, Anttila in view of Goldberg et al failed to teach wherein the information terminal connected to the multi-function mobile telephone is a video gaming machine which is operated while monitoring an image presented on the display device thereof.

Taguchi et al teaches wherein the information terminal connected to the multi-function mobile telephone is a video gaming machine which is operated while monitoring an image presented on the display device thereof (See col. 5, lines 8-16)

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the information terminal connected to the multi-function mobile telephone is a video gaming machine which is operated while monitoring an image presented on the display device thereof as taught by Taguchi et al in the claimed invention of Anttila in view of Klein et al in order to enhance the value of the system (See col. 2, line24).

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,370394 to Anttila in view of U.S. Application Publication No. 2003/0060247 to Goldberg et al as applied to claim 9 above, and further in view of U.S. Patent Application 2001/0025275 to Tanaka et al.

a. As per claim 13, Anttila in view of Goldberg et al teaches the claimed invention as described above. Anttila in view of Goldberg et al failed to teach wherein the server further comprises a unit which performs a fee billing process to the terminal to which the content is provided, based on the unique code notified of by the relay apparatus.

Tanaka et al teaches a system for Internet connections, for calculating connection fees for network connection services, billing system for network connecting s services, and system for network connection management. Furthermore, Tanaka et al teaches wherein the server further comprises a unit which performs a fee billing process to the terminal to which the content is provided (See pages 5 and 6, paragraph [0090]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the server further comprises a unit which performs a fee billing

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process to the terminal to which the content is provided, based on the unique code notified of by the relay apparatus as taught by Tanaka et al in the claimed invention of Anttila in view of Goldberg et al in order to calculate the telephone fee for each connection (See page 6, paragraph [0090]).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DJENANE M. BAYARD whose telephone number is (571)272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

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